

SHIPPED: 6-5-61, from New York, N.Y., by Hospital Bureau, Inc.

LABEL IN PART: (Ctn.) "6 Dozen Clinical Thermometers Oral Massa Thermometer Corp.," (envelope) "Certified Accurate Clinical thermometer C-S-1-52 Oral," and (thermometer) "Massa Oral" (plus serial numbers).

RESULTS OF INVESTIGATION: Examination showed that 25 percent of the thermometers failed to meet the requirements for accuracy specified in Commercial Standard 1-52 (CS1-52) issued by the National Bureau of Standards of the Department of Commerce.

LIBELED: 8-2-61, Dist. N.J.

CHARGE: 501(c)—when shipped, the quality of the article fell below that which it purported and was represented to possess, since it did not give accurate readings; 502(a)—the label statement "Certified Accurate C-S-1-52" was false and misleading since it was contrary to fact; and 502(b)(1)—the device failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: 9-11-61. Default—destruction.

#### DRUG FOR VETERINARY USE

6802. Medicated feeds. (F.D.C. No. 45881. S. Nos. 62-344/5 R.)

QUANTITY: 19 50-lb. bags of *hog builder pellets*, and 157 50-lb. bags of *chick starter and grower*, at Blue Rapids, Kans.

SHIPPED: 2-12-60 and 12-13-60, from Crete, Nebr., by Crete Mills.

LABEL IN PART: (Bag) "Victor Hog Builder Pellets Medicated \* \* \* Active Drug Ingredient: Arsanilic Acid 0.03% \* \* \* Manufactured by The Crete Mills - Division of Lauhoff Grain Company, Crete, Nebraska" and "Victor 18% Chick Starter & Grower Medicated \* \* \* Active Drug Ingredients: Acetyl-(Para-Nitrophenyl)-Sulfanilamide 0.03% Dibutyltin Dilaurate 0.02% Dinitrodiphenylsulfonylethylenediamine 0.02% 3-Nitro-4-Hydroxyphenylarsonic Acid 0.005% \* \* \* Manufactured by The Crete Mills - Division of Lauhoff Grain Company - Crete, Nebraska."

RESULTS OF INVESTIGATION: Analysis showed that the *hog builder pellets* contained approximately 5 percent of the declared amount of arsanilic acid, and that the *chick starter and grower* contained approximately 50 percent of the declared amount of 3-nitro-4-hydroxyphenylarsonic acid.

LIBELED: 5-16-61, Dist. Kans.

CHARGE: 501(c)—when shipped, the strength of the articles differed from, and their quality fell below, that which they purported to possess; and 502(a)—the label statements (*hog builder pellets*) "Arsanilic Acid 0.03%" and (*chick starter and grower*) "3-Nitro-4-Hydroxyphenylarsonic Acid 0.005%" were false and misleading.

DISPOSITION: 9-29-61. Default—destruction.

#### DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\*

6803. Various prescription drugs. (F.D.C. No. 46238. S. Nos. 75-187/201 R.)

QUANTITY: Approximately 750 pkgs. having an approximate total value of \$1,500 at Atlanta, Ga., in possession of Crew's Apothecary.

\*See also Nos. 6781-6787, 6789-6791, 6795, 6796, 6798, 6800, 6801.

SHIPPED: On unknown dates, by various drug handlers.

LABEL IN PART: "Physician's Sample Not To Be Sold," "Clinical Trial Supply," "Sample—Not To Be Sold," "Complimentary," or similar wording.

RESULTS OF INVESTIGATION: Some of the articles were prescription drugs originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs and bearing labels containing a "complimentary - not to be sold" professional sample legend, and containing also the names and addresses of manufacturers, packers, or distributors located outside the State of Georgia.

Some of the articles were prescription drugs which had been repacked by the dealer into containers to which had been affixed labels bearing such brand names for the drugs as were indicative of their manufacture outside the State of Georgia.

LIBELED: 8-4-61, N. Dist. Ga.

CHARGE: 502(a)—while held for sale, the words "Physician's Sample," "Professional Sample," "Clinical Trial Supply," "Sample - Not To Be Sold," and similar wording on the labels of the articles, were false and misleading as applied to these articles then in the possession of a repacker and intended for sale and not then intended for use as "complimentary - not to be sold" samples for physicians and others lawfully engaged in dispensing prescription drugs.

DISPOSITION: 10-3-61. Default—destruction.

6804. Lange's herbal tablets and herb tea. (F.D.C. No. 45750. S. Nos. 55-991/8 R.)

QUANTITY: 78 btl. of *LGB-4 tablets*, 29 btl. of *KB-5 tablets*, 47 btl. of *D-7 tablets*, 41 btl. of *H-9 tablets* and 37 btl. of *HB-14 tablets*, each btl. containing 120 tablets; 120 100-tablet btl. of *sarsaparilla*; 88 3½-oz. pkgs. of *sarsaparilla tea*; and 94 2-oz. pkgs. of *huckleberry leaves tea*, at Portland, Oreg., in possession of Nu Vita Foods.

SHIPPED: Prior to 3-9-61, from outside the State of Oregon.

LABEL: (Btl.) "Lange's Herbal Beverage Tablets. LGB-4 \* \* \* Distributed by Nu Vita Foods \* \* \* Contains 17 herbs. \* \* \* Has a mild laxative action \* \* \* Warning"; (btl.) "Lange's Herbal Beverage Tablets KB-5 \* \* \* Distributed by Nu Vita Foods \* \* \* Contains 16 herbs known for their traditional value"; (btl.) "Lange's Herbal Beverage Tablets D-7 One tablet makes a bracing cup of tea \* \* \* Distributed by Nu Vita Foods \* \* \* Contains 16 herbs \* \* \* Has a mild laxative action. Warning"; (btl.) "Lange's Herbal Beverage Tablets H-9 \* \* \* Distributed by Nu Vita Foods \* \* \* Contains 18 herbs \* \* \* Has a mild laxative action. Warning"; (btl.) "Lange's Herbal Beverage Tablets HB-14 \* \* \* Contains 16 Herbs \* \* \* Has a mild laxative action Warning; \* \* \* Distributed by Nu Vita Company"; (btl.) "Lange's Sarsaparilla (Roots) \* \* \* Distributed by Nu Vita Foods"; (pkg.) "SeeLect Brand Imported Sarsaparilla (*Smilax Aristolochiaefolia*) Herb Tea"; and (pkg.) "SeeLect Brand Imported Huckleberry Leaves \* \* \* Herb Tea."

ACCOMPANYING LABELING: Catalogs entitled "Herbal Beverage Selected Information From Leading Herb Books For Professional Use Only" and sheets entitled "Nu-Vita Foods \* \* \* Order Blank and Price List."

RESULTS OF INVESTIGATION: The articles, except the tea, were compressed into tablets from bulk herbs on the order of the dealer and the tablets were shipped in bulk lots to the dealer who repacked and labeled them.